

NCBC IMPACT

Dedicated to the professional development of its members

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June 2, 2011

Volume 11, Issue 5

President's Message by Ken Hirz

I want to take this opportunity to welcome attendees to the 31st Annual Conference scheduled June 14-17, 2011, in New Orleans, Louisiana. The final stages of planning continues as our host court places the final touches and prepares for the arrival of more than 600 attendees. Clerks Marla Hamilton, LA-E, and Monica Menier, LA-M, are burning the midnight oil with their staff to ensure that the conference-goers have the best educational and social experience during their stay in the Crescent City. For more information on the conference, please refer to the attached newsletter, The Parade, and visit the host court website at www.laeb.uscourts.gov/ncbc2011.

As we close our program year I want to thank the Board and staff for all their efforts and accomplishments during the 2010-2011 term. I would like to take this opportunity to summarize some of the Board activities for the past year. We have a robust educational program prepared for the annual educational conference consisting of 31 course offerings, an information sharing program, two plenary sessions that will bookend what is expected to be an outstanding conference experience for the largest annual conference to date. We've made modifications to the NCBC by-laws that are pending approval at the conference. The mentoring program is in the ongoing planning stage. The website redesign is complete and will be unveiled during the information sharing session at the conference and will go live July 1st. Anyone wishing to view the website as it progresses can find it at the new URL: <http://ncbc.memberclicks.net>

A new Royalty Agreement was signed with Gallagher Benefits. Gallagher Benefits began new insurance programs to offer group home and auto insurance. Surveys were distributed to better guide our insurance offerings for members. Retirement programs were conducted by Gallagher Benefits in six bankruptcy courts. The Business Manager and Historian positions were posted and I'm pleased to say that Celia Strickler and Mary Lynn Wilson graciously agreed to new 3- year terms as staff to the Board. The hotel contract for the San Francisco 2012 Annual Conference was signed along with two overflow hotels using our newly hired event planning company. A lifetime membership category was created for deputy clerks. Membership grew by 20% due in part to the efforts of more than 100 Circuit Liaisons and Local Representatives in courts throughout the country. A successful financial audit was recently conducted and we are in a good financial position to take us into the next program year. Look forward to seeing you in New Orleans.



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[Social Media and the Ethical Court Employee](#)

by Norman Meyer

[What would you do if this happened in your court??](#)

Article was originally published in NACM's Court Manager journal (v.26, number 1, Spring 2011).



IF YOU ARE NOT ATTENDING THE CONFERENCE, **PLEASE** remember to

cancel your hotel registrations.

For further info/assistance, please email Elizabeth_Hager@lamb.uscourts.gov



For more information on
NCBC 2011 in New Orleans,

[The Parade Volume 1](#)

[The Parade Volume 2](#)

[The Parade Volume 3](#)

www.laeb.uscourts/ncbc2011



New Orleans is a pretty laid back town. However, it's hot. Not just "oh, it's kinda warm" hot, but "holy moly, is this the surface of the sun?" hot! We are talking highs in the 90's and HUMID! In contrast, the indoors during the summer months are like the North Pole – subarctic cold. This presents a packing challenge, we know. Casual clothes are fine, but pack a sweater for inside (especially inside the Marriott.) Use the guide to the right to help you decide what to pack to remain comfortable.

CONFERENCE – (Business Casual)

SOCIAL EVENTS - (Casual) Cool and comfortable is the way to go, including footwear.

MARDI GRAS WORLD – (Dressy Casual) The website for MGW shows guests in cocktail attire. While MGW does host those types of events, our event will not be as formal. Dressy casual is what we recommend. Pants, Capris, sundresses, skirts are perfect. No ties or coats necessary for the gentlemen. Polos are acceptable. Don't forget comfortable dancing shoes!

PRESIDENT'S RECEPTION - (Dressy Casual) Same as Mardi Gras World

RESTAURANTS - Be sure to check the restaurant's website if you have reservations outside of the conference events. Some restaurants like Galatoire's and Antoine's have jacket requirements or prefer jackets for the men. They will NOT allow admittance if you do not comply with the dress code.

COURTESY OF THE PARADE VOLUME 3

FYI — President's reception will have a CASH ONLY bar. No credit cards or checks accepted.

We've Come a Long Way, Baby!!

By Mary Lynn Wilson, NCBC Historian

I am so excited about the number of participants who are registered for this year's NCBC Conference. With over 600 participants, this will be the largest Conference EVER! I can remember when having 100 people attend was reason for great excitement, and some conferences had even fewer.

I need to ask you to look back at some of those earlier Conferences, and help me with putting together even more of our wonderful history. I'm looking for the themes of the earlier conferences, as well as where they were held. I'm particularly interested in the very early days of the organization, from 1980 through 1990. You may have retirees from your court who will remember those early years---would you please give them a call or send them an e-mail, and then pass the information along to me (or ask them to contact me at marylynnwilson55@yahoo.com)? Every new piece of information adds to making the history of our organization more complete.

I'll have the historical display set up at the Conference, and I invite you to stop by and look at where our organization has come from.....maybe share some of your own memories of past Conferences. We've come a long way, baby.....but the future looks even brighter!!

I look forward to seeing all of you in New Orleans.

2011-2012 Dental & Vision Care Plan Enrollment Season

Offered Through the Conference of Bankruptcy Clerks (NCBC)

Enrollment forms and checks must be received by June 10, 2011 for coverage to begin July 1.

Complete separate enrollment forms and mail separate checks to enroll in both dental and vision coverage.

Control + click to follow the www.cigna.com link for plan details, sample patient charges, rates, payment options and enrollment forms for the CIGNA Dental Care (DHMO) and the CIGNA Dental PPO (DPPO) plans. Live customer service is available 24/7 at 1-800-244-6224.

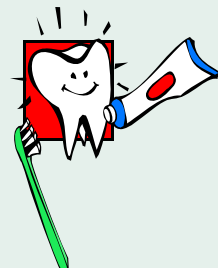
Control + click to follow the www.vsp.com link for Vision Service Plan (VSP) options and details. Call 1-800-877-7195 to locate a provider.

Compare plan features and premium rates, and check your state provider list before enrolling.

Single and family option plans (for children under age 26) are offered.

Dental Service Center, P.O. Box 3907, Gardena, CA 90247-7599

Phone: 888-293-4903 Fax: 310-323-7881





The Benefits Committee wants to know.....what's on your mind? Have a question about your federal benefits? Send them to our e-mailbox, we'll research them, ask the experts and provide an

Q: Does an employee who leaves the court (not retiring) need evidence of insurability to purchase a non-FEHB health plan? Does the employee receive some sort of “certificate” which means s(he) may obtain health insurance even with preexisting conditions?

A: Our thanks to John L. McGrath, Jr., Human Resources Specialist, Benefits & Retirement Advisory Services at the Administrative Office, for answering this question.

Federal Employees Health Benefits (FEHB) options for a separating (not retiring) employee include the following:

- The separating employee's current FEHB health insurance plan continues free of charge for the 31 days following the end of the pay period in which the employee separates.
- The separating employee may sign up for the FEHB plan of choice under the Temporary Continuation of Coverage (TCC) program, and is not limited to the plan (s)he had as an active employee. TCC coverage can last up to 18 months after the employee leaves government service, and comes without regard to age or preexisting medical conditions.
- If the separating employee prefers, (s)he may contact the current FEHB insurer only within 31 days after leaving government service to inquire about a “conversion contract.” A conversion contract is private-sector, non-FEHB and non-group health insurance available only from that insurer. It would not necessarily cover everything that the FEHB plan covered, and the insurer may charge whatever premium it chooses for this coverage. The coverage must be made available without regard to the former employee's age or preexisting medical condition. If the employee decides to enroll in the insurer's conversion contract, the coverage continues as long as the premium is paid. Conversion contract coverage, unlike TCC, does not sunset or end after 18 months.
- Or, the separating employee may ask the FEHB insurance company for a “HIPAA certificate” after leaving the government. The Health Insurance Portability and Accountability Act (HIPAA) was enacted to protect health insurance coverage when workers change or lose jobs. The HIPAA certificate is a letter stating that the employee was covered by the company under the FEHB program from (date of enrollment) to (date of termination). This is important, because under HIPAA, if the separating employee is hired by a new employer which offers health insurance (or if the separating employee is married to someone whose company already provides health insurance), presenting the HIPAA certificate means that the new employer, or the spouse's employer, can accept the former employee's enrollment into their health care plan without regard to age or preexisting medical condition. The HIPAA certificate also means that the separating employee can be covered as soon as eligible, without necessarily having to wait until the new employer's annual open enrollment period.

Even if the separating employee does not request a certificate, one is usually sent by the FEHB insurer after the employee's coverage with them has terminated. However, the employee would certainly have the right to request a HIPAA certificate, and probably receive it a little sooner, once the employee has left the judiciary.

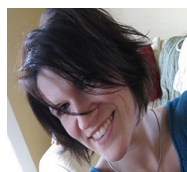


Editor's Note: We hope that you have enjoyed this newsletter and that it has proven to be resourceful to you as a member of the NCBC. We would be grateful to receive your comments on the newsletter, both on its content as well as on its structure, and ways to improve it further. We are also welcoming ideas on how to improve membership. All suggestions are welcome. Happy reading!

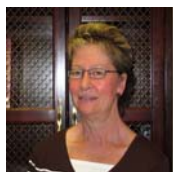
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All newsletter requests should be submitted to the editor.

Ask The Editorial Committee

The NCBC Impact Editorial Committee is here to serve you. Additionally, this is our 'always open' invitation to share your questions, comments, and suggestions for articles that will provide helpful information to NCBC members. Material should be emailed to Yvonne_cherokee@nceb.uscourts.gov.

This is your newsletter -- let your voice be heard!

CIRCUIT LIAISONS AND LOCAL REPRESENTATIVES

Circuit	Circuit Liaison	District	Local Representative
1st Circuit	Kristen Batty	District of Columbia	Michael Wint
		Rhode Island	
		Maine	Sheila Dilios
		Massachusetts	Eileen Garrity
		New Hampshire	Kerri Mikolaities
		Rhode Island	Carolyn Sweeney
2nd Circuit	Becky Collette	Puerto Rico	Lizette Torres
		Vermont	
		Conneticut	Lou DiLella
		New York Eastern	Dwayne Cox (co-rep)
		New York Eastern	Donna Tenga (co-rep)
		New York Western	Paul Warren
3rd Circuit	David Bird	New York Northern	Jeffery Dingman
		New York Southern	Laura Brundage
		Vermont	Becky Collette
		Delaware	
		Delaware	Barbara Torres (co-rep)
		Delaware	Lora Johnson (co-rep)
4th Circuit	Laura Whitehead	New Jersey	Jeffrey Peirce
		Pennsylvania Eastern	Tim McGrath
		Pennsylvania Middle	Jackie Cherrybon
		Pennsylvania Western	Jan Hunger
		North Carolina Eastern	
		Maryland	Tracey Matthews (co-rep)
5th Circuit	Debbie Duke	Maryland	Cherita Martin (co-rep)
		North Carolina Eastern	Anne Moell
		North Carolina Middle	Debbie Payne
		North Carolina Western	Robin Felts
		South Carolina	Renee Surette
		Virginia Eastern	Renee Paxton (co-rep)
6th Circuit	Michelle Pierce	Virginia Eastern	Val Valentine (co-rep)
		Virginia Western	Carol Rickerson
		West Virginia Northern	Chris Warsinsky
		West Virginia Southern	Sheila Huffman
		Texas Eastern	
		Louisiana Eastern	Gaynell Donelon
		Louisiana Middle	Monica Menier
		Louisiana Western	Mitzie Denis
		Mississippi Northern	Sandra Peoples
		Mississippi Southern	Collette Derouen
		Texas Eastern	Maria Sheppard
		Texas Western	Daniel Paez
		Texas Northern	Katherine Floyd
		Texas Southern	
		Kentucky Western	
		Kentucky Eastern	Amy Smith
		Kentucky Western	Jeanne Tuell
		Michigan Eastern	Natalie King
		Michigan Western	Kim Davis
		Ohio Northern	Lynn Baldwin Bergmeyer (co-rep)
		Ohio Northern	Katherine Shvak (co-rep)
		Ohio Northern	Brenda Heminger (co-rep)
		Ohio Southern	Yvonne Ventre
		Tennessee Eastern	Karen Gwinn
		Tennessee Middle	Sharon Wingler
		Tennessee Western	Cindy Coady

Circuit	Circuit Liaison	District	Local Representative
7th Circuit	Ron Hayward	Illinois Central Illinois Northern Illinois Northern Illinois Central Illinois Southern Indiana Northern Indiana Southern Wisconsin Eastern Wisconsin Western	Patricia Reed (co-rep) Margie Maldonado-Rahmoun (co-rep) Sharon Gardner Cathy Hart Robin Stanley Jill Lass Pam Creydt
8th Circuit	Beth Wilbanks	Iowa Southern Arkansas Iowa Northern Iowa Southern Minnesota Minnesota Missouri Eastern Missouri Western Nebraska North Dakota South Dakota	Tammi Pennington Rebecca Hoefer Kris Botts Grace Goede (Minn.) Sam Runck (St. Paul) Matthew Parker Cecelia Parle Lisa Smith Ginger Elless
9th Circuit	Maggie Bondi Theola Ross	Alaska Washington Western Alaska Arizona California Northern California Eastern California Central California Central California Southern Guam Hawaii Idaho Montana Northern Mariana Islands Nevada Oregon Washington Eastern Washington Western	Maggie Bondi Cindy Ribar Sharon Hurt Beryl Dixon (co-rep) Sabrina Palacio-Garcia (co-rep) Shawna Dahl Charles White Amy Young Debbie Jenson Colleen Grady Maria Sanders Jonni Paulsen Shannon O'Brien Theola Ross
10th Circuit	Angie Martin	Oklahoma Western Colorado Kansas New Mexico Oklahoma Northern Oklahoma Eastern Oklahoma Western Utah Wyoming	Deb Beatty Donna Urbom-McClure April Colling Sharon Washburn Debbie Anderson Angie Martin Kyle Crockett James Baumhover
11th Circuit	Tracey Couling	Alabama Southern Alabama Northern Alabama Middle Alabama Southern Florida Northern Florida Middle Florida Southern Georgia Northern Georgia Middle Georgia Southern	Doug Wedge Henrietta Foster Tracey Couling Latonia Isom Alyson Johnson Katrinka Covington Regina Thomas William Tanner Sam Kay

Your Local Representative is available to answer your questions concerning NCBC membership and benefits.



... a common thread running through all definitions of social media is a blending of technology and social interaction for the co-creation of value.

Social Media and the Ethical Court Employee

By Norman H. Meyer, Jr.¹

WHAT WOULD YOU DO IF THIS HAPPENED IN YOUR COURT?

The trial is going along fine when the prosecutor is informed by the police that the judge's courtroom deputy is blogging about the court case (before work, during work, and after work); making references to the alleged state of mind of the defendant; stating personal views of how the case is proceeding; and naming other court employees and their actions, views, and opinions about the case. The prosecutor notifies the presiding judge, who then notifies you, the court administrator.²

Assuming the judge will manage any legal issues that arise in the trial, what are the ethics and human resources issues that you, the court administrator, might have to address with this employee? What could you have done to prevent any ethical problems from happening in the first place? How big a problem is employee use of social media anyway?

But what is meant by “social media?”

Social media and social computing refer to the wide array of Internet-based tools and platforms that increase and enhance the sharing of information. The common goal of these media is to maximize user accessibility and self-publication through a variety of different formats...a common thread running through all definitions of social media is a blending of technology and social interaction for the co-creation of value.³

Social media can take many forms, including: social and professional networking (e.g., Facebook & LinkedIn), blogging (short for “Web log”), micro-blogging (e.g., Twitter), wikis (e.g., Wikipedia), social bookmarking (e.g., Digg), video sharing (e.g., YouTube), and threaded discussions (chronological message exchanges in a hosted online discussion group).⁴

The questions raised by the blogging courtroom deputy in the scenario above are just a few of the many issues that now confront court managers in a world where the use of social media and other communication links is exploding.⁵ In the private sector, “... for things like recruiting, marketing, and customer service, using public

social nets is a no-brainer,”⁶ and “...a whopping 89% of respondents...say their companies are using some type of social networking...”⁷

Twitter now has more than two billion tweets a month, and Facebook has more than 500 million active users — about one for every 14 persons in the world. The average United States 13- to 17-year-old sends and receives 3,339 text messages on cell phones a month.⁸ Chillingly, a recent survey found that 20 percent of organizations report the loss of sensitive or confidential information through employee use of social networks, and similarly, 20 percent have also “... disciplined employees for violating company policies on social networking, while seven percent have terminated people for their actions on social nets.”⁹

Like the private sector, the use of social media in the public sector, including courts, is also growing. Courts are using social media in such official applications as juror communication, public outreach, and emergency notifications. A 2010 survey found that about 40 percent of non-federal court judges in the United States use social media sites.¹⁰ As courts hire new and younger staff who have grown accustomed to routinely using social media in their personal and professional lives, employee social media use and the potential for many ethical problems will grow even larger. This high usage level means that court administrators who ignore the ethical challenges of social media use do so at their peril.

The Conference of Court Public Information Officers (CCPIO) recently published an excellent report, “New Media and the Courts: The Current Status and A Look at the Future.”¹¹ As the CCPIO defines new media, its landscape encompasses legacy media (newspapers, magazines, radio, and television), traditional public relations

and community outreach, digital media/ Web 1.0 (websites), and social media/ Web 2.0. The report highlights how the new media raise important cultural and operational issues for courts that help put into context the ethical challenges posed by the use of social media by court employees:

There are three characteristics of new media that contrast sharply with basic characteristics of the judiciary. These characteristics help to explain why the new media environment presents the judicial system with both challenges and opportunities that are unique to the courts as compared to both the private sector and the other branches of government. They are:

1. New media are decentralized and multidirectional, while the courts are institutional and unidirectional.
2. New media are personal and intimate, while the courts are separate and, by definition, independent.
3. New media are multimedia, incorporating video and still images, audio and text, while the courts are highly textual.

Decentralized and Multidirectional...

New media are described as the third and most recent of what are essentially only three possible communications media:

(I) interpersonal media as one-to-one, (ii) mass media as one-to-many, and finally, (iii) new media or many-to-many... Contrast this with the traditional institutional and unidirectional judicial culture and the way courts have operated... The essence of their fundamental mission, resolving disputes, requires that courts very often communicate one way. Courts issue orders, and parties comply. One of

The NACM Model Code of Conduct **provides** a sound basis to outline the **major ethical areas** that may become **issues** for court staff when they **blog, tweet, post**, and otherwise **share information**.

the challenges of courts responding to the reality of new media will be resolving this inherent incompatibility between the two cultures.

New media are personal and intimate while the courts are separate and distant. Another inherent characteristic of new media is that they facilitate personal communication and intimacy of communication that previously were possible only through one-on-one channels... Mores and standards about sharing personal information are changing in the broader culture in ways that will not be understood for some time.

This stands in sharp contrast to the way courts communicate. The bar that separates attorneys and judges on one side and the public on the other — the elevated bench, the black robe, the practice of formal address (“your honor”) — all of these are practices that have evolved for centuries in the judicial culture and play an important role in symbolizing and reinforcing the independence necessary to achieve impartiality. Maintaining that independence as human beings part of a larger community requires that judges be particularly deliberate and careful in their personal and professional communications...

New media are multimedia, incorporating video and still images,

audio and text, while the courts are highly textual... More than anything else, the digital revolution allows for the sharing of information and knowledge and the telling of stories through multimedia methods. With more and more of the public consuming more news and information online, the new media environment now includes a substantial proportion of the citizenry that approaches institutions with the strongly held expectation that communication will include video and audio clips, text and still images wound into a matrix of information and knowledge that tells compelling stories.

Courts have, in varying degrees, begun to experiment with multimedia techniques. From video arraignments to televised oral arguments and online instructional videos, courts have found ways to use multiple media platforms effectively. But there is a certain incompatibility here, too. The law is an inherently verbal enterprise. It is concerned with precise definition of terms, interpretation of statutory and judicial language, and the precise parsing of speech. The multimedia nature of new media challenges courts to tell their inherently textual stories through multimedia techniques.¹²

These opposing modes of communication and cultural traditions

are the context within which court leaders must address social media use by court staff. How do social media and codes of conduct intersect within this context? The decentralized and multidirectional nature of social media opens up a wide range of opportunities for employees to violate ethical standards. These opportunities are difficult to monitor and control. The NACM Model Code of Conduct¹³ provides a sound basis to outline the major ethical areas that may become issues for court staff when they blog, tweet, post, and otherwise share information. A full copy of the NACM Model Code of Conduct is at the end of this article; here is a summary of its key provisions:

CANON 1

Avoiding Impropriety and the Appearance of Impropriety in All Activities

Court professionals shall faithfully and diligently perform duties, avoid improper influences, avoid activities that would impugn the dignity of the court, work without bias or prejudice, show respect toward all, disclose involvement in any action before the court, avoid misuse of their position, and assist litigants without giving legal advice.

CANON 2

Performing the Duties of Position Impartially and Diligently

Court staff shall avoid relationships that would impair impartiality and independent judgment

or cause a conflict of interest, report misconduct by others or attempts to have oneself violate these canons, properly maintain court records, maintain the confidentiality of information, use proper discretion with court information, and appropriately use court resources.

CANON 3

Conducting Outside Activities to Minimize the Risk of Conflict with Official Position

Court staff shall disclose and avoid conflicting outside employment or activities, avoid conflicting outside compensation, avoid gifts/favors/loans that raise conflict of interest issues, and comply with all financial disclosure requirements.

CANON 4

Refraining from Inappropriate Political Activity

Court staff shall comply with all laws, rules, and other authorities that may restrict political activity, and ensure that court resources are not misused.

It is easy to see how a court employee might use social media in a way that violates these ethical requirements. For instance, Canon 2 might be violated by the improper disclosure of information on a personal Facebook page (e.g., confidential criminal arrest warrant details or organizational data). A case can also be made that even the seemingly innocuous use of social media constitutes a threat to court security and thus is a violation of Canon 2. Security can be compromised in several ways. The physical security of the court, judges, and staff may be jeopardized if sensitive details about buildings, security systems, or even the whereabouts of judges are disclosed

(such as by posting geotagged photos or carrying GPS-enabled devices, like smartphones¹⁴). Information technology systems and data security can also be severely imperiled.

“A lot of users share everything on these sites without realizing the risks or potential damage they are introducing to their environment. Some information that people disclose can be easily used against an organization, whether in a directed spear phishing attack or some kind of directed malware attack; the most popular threat vector for attacking users is through social networking sites. Everyone assumes that everything on these social networking sites is completely secure. Everyone assumes that Facebook has made sure it is secure. That is completely false.”¹⁵

Another obvious ethical violation would be if an employee commented on the competence of a law firm and its lawyers on a legal blog or on the employee’s Facebook page where the employee’s profile shows that he or she is a court employee. Canons 1 and 2 prohibit this sort of activity, as such posts demonstrate potential favoritism and special access while impugning the integrity of the court.

Other situations, however, are not so easy to define as being violations of the canons. What may be acceptable conduct in one court may not be in another, depending on the position held by the employee, the applicable code of conduct, and that code’s interpretation. For instance, is it acceptable for judges and court staff to “friend” an attorney in Facebook? Two court systems have differed in answering this question.

The Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court recently issued an opinion that judges (and apparently staff, too) could — with care — “friend” attorneys who appear before them in court.¹⁶

There is no rule in the Ohio Code of Judicial Conduct that prohibits a judge from being friends, online or otherwise, with lawyers — even those who appear before the judge. Social interaction between a judge and a lawyer is not prohibited. Yet, a judge’s actions and interactions must at all times promote confidence in the judiciary. A judge must avoid impropriety or the appearance of impropriety, must not engage in *ex parte* communication, must not investigate matters before the judge, must not make improper public statements on pending or impending cases, and must disqualify from cases when the judge has personal bias or prejudice concerning a party or a party’s lawyer or when the judge has personal knowledge of facts in dispute.

On the other hand, in 2009 the Florida Supreme Court’s Judicial Ethics Advisory Committee (JEAC) issued an opinion that a judge should refrain from adding lawyers who are likely to appear in front of the judge in court as “friends” on a social networking site.¹⁷ A further question was asked about whether the judge’s judicial assistant should also refrain from such activity. The JEAC wrote that judicial assistants could participate in social networking sites, with the following explanation:

The concern presented in this inquiry is whether a judicial assistant adding a lawyer as a “friend” on a social networking site indirectly conveys the message that the attorney, who may appear before the judge, has a special position to influence the judge. The mere fact that personal information is being disseminated between the judicial assistant and

Consideration must also be given to the **fundamental question** of whether employees have unfettered constitutional rights, such as **freedom of expression** or protection from unwarranted search and seizures, when they use **social media at work** or in their **personal life**.

a lawyer on the social networking site does not adversely impact the public perception nor compromise the integrity of the court system. Prohibiting the judicial assistant from expressing himself/herself outside the courthouse infringes upon his/her First Amendment freedoms. This form of expression by judicial assistants is not contemplated in our Canons and therefore not a violation of Canon 2B... As long as a judicial assistant utilizes the social networking site outside of the judicial assistant's administrative responsibilities and independent of the judge, thereby making no reference to the judge or the judge's office, this Committee believes that there is no prohibition for a judicial assistant to add lawyers who may appear before the judge as "friends" on a social networking site.

However, a judge would continue to have the responsibility under Canon 3C(2) to "require staff, court officials, and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge..." Therefore, in the unlikely event that a lawyer attempts an ex-parte communication through the social networking site, the judge should direct the judicial assistant to immediately "de-friend" the lawyer and to immediately report it to the judge.¹⁸

Thus, these two states have differing directives vis à vis judges "friending" attorneys, but staff members are allowed to do so in both instances. These opinions reach conclusions that may not be universally accepted. As more judicial systems and individual courts address the issue of employees "friending" attorneys, it is almost inevitable there will be different conclusions due to differing ethical codes, etc. In contrast with Florida and Ohio, another point of view is that the mere fact of an employee "friending" a lawyer who practices before the employee's judge likely *does* create an appearance of favoritism to members of the public. If so, such employees should *not* "friend" such an attorney. Each court should ensure that its social media policy addresses this issue.

Consideration must also be given to the fundamental question of whether employees have unfettered constitutional rights, such as freedom of expression or protection from unwarranted search and seizures, when they use social media at work or in their personal life. This issue has been addressed by the United States Supreme Court:

In applying these canons to use of social media after-hours, do judicial employees retain freedom of expression, privacy rights, and other rights of citizens? The answer is yes. The law is well-established that government employees do not

forfeit their Constitutional rights by virtue of their employment. *Pickering v. Bd. of Educ.*, 391 U.S. 563, 568 (1968). However, government employment does require some restrictions that might not be applicable to private citizens. The government, as an employer, must have wide latitude to manage the work to promote the efficiency of the public service it performs through its employees. *Id.* A balancing of interests of government employees as citizens and of the government as an employer accomplishing its mission must be achieved.¹⁹

Since the *Pickering* decision, there have been several other related decisions. In particular, *United States v. National Treasury Employees Union*, 115 S. Ct. 1003 (1995), *City of San Diego v. Roe*, 125 S. Ct. 521 (2004), and *Garcetti v. Ceballos*, 547 U.S. 410 (2006) stand out. In these cases, the court has continued to refine the *Pickering* balancing test, making distinctions about purely governmental speech, purely private speech, and speech that arguably is both at the same time. The trend has been to be more restrictive toward employee rights in favor of the government's ability to discipline employees. "Until recent cases, the *Pickering* balancing test was used as a good-faith attempt to protect public employees' free speech rights. In the

application and interpretation of the balancing test, however, recent cases reveal a proclivity for favoring the employer's operational efficiency over employee free speech rights."²⁰ It seems clear that government employers can restrict employee speech, particularly in regard to speech that has a nexus with employment.

Political activity can be a significant issue for many court employees. Canon 4, *Refraining from Inappropriate Political Activity*, can be difficult to adhere to in those court systems that have elected officials (judges, clerk of court, etc.). Even where there are no elected officials and such a Canon is in place, questions arise. Here is an example:

We recently had a social media issue. We had a new employee join the court. As part of our orientation program, our Budget and Human Resources Officer discussed the Code of Conduct, in particular Canon 5 (A Judicial Employee Should Refrain from Inappropriate Political Activity). The new employee was active in a political party, and she used Facebook to keep track of various political events, gatherings, and fundraisers as well as to endorse certain candidates. She inquired whether this Facebook activity was appropriate in light of Canon 5. We researched the issue and inquired with the human resources department, and we decided it was not. We understood that posting a political sign in a front yard or placing a political bumper sticker on a vehicle was inconsistent with Canon 5. Applying these same principles, we concluded that using Facebook to endorse or support candidates or a political party was akin to displaying a political sign or bumper sticker. We shared this

analysis with the Chief Judge, and he agreed. We instructed the employee to remove these links from her Facebook page (as well as any references that she is employed by the Court) and advised her that, if she wanted to follow political events, she could use a more private means to receive these updates.²¹

Situations are also arising where employees are refusing to stop making politically oriented posts, etc. on social media sites when directed to do so (this assumes such activity is appropriately prohibited). Employees may cite freedom of speech or say they are simply adhering to the organization's commitment to open and honest communication. Performance issues such as this must be anticipated. Human resources policies and practices to handle these scenarios should proactively be put in place.

Another variable to consider is the use of social media applications that are deployed internally within the court or court system. For instance, a statewide court system might deploy a human resources blog to discuss issues and solicit employee input. Just because such activity is inside the court, that does not mean the potential for unethical behavior does not exist. For example, using the blog to post positive comments about a particular partisan political candidate running for governor who supports increased funding for the state employee retirement system might be prohibited by that employee's code of conduct (e.g., it would be prohibited in the U.S. federal courts in regard to a congressional candidate). If an employee has been allowed to make unfettered posts to an internal social media application and the employer subsequently restricts (some would say

"censors") such postings, the employee may raise the freedom of speech issue (see above regarding constitutional rights). It may be very hard to pull back from liberal access, so the employer should be careful to be clear about usage rights in advance.

Below are some more scenarios that may pose ethical problems. As you read them, think for yourself whether you agree or disagree that an ethical violation has occurred and why.

1. A court employee is a member of LinkedIn, a professional networking site. In her profile, she identifies her court employment. Another LinkedIn member in a group with which she has affiliated (alumni of the college from which she graduated) starts a discussion item for group members about the merits of arguments made by Tea Party supporters regarding "activist judges." The court employee posts a comment that she thinks the Tea Party position is right and that she wishes judges would better adhere to the Constitution in their actions.
2. A court employee posts on his Facebook page photos from his vacation to Cancun that include pictures with him posing provocatively with very scantily clad women on the beach. Does it make any difference if the photos are on a personal page that in no way identifies him with his court employment? What if the page does show him to be a court employee? What if he is wearing a t-shirt with the court name in big letters across his chest? Does it make any difference what job the employee has with the court?
3. A court employee circulates a pledge appeal for a charity walk-a-thon to all of her contacts on her



social networking site, including lawyers who practice before the court.

4. A court employee affiliates himself on his personal Facebook page as a “fan” of an organization that frequently is a party in cases in the employee’s court.
5. A court employee supervisor is a social networking “friend” of a manager in her office. They usually exchange recipes, movie reviews, and so on, but one day the employee asks the manager via the social networking site to write a job recommendation, since the employee is applying for a new job at another court in town. The manager does so, and then tells another employee in the office, again via the social networking site, that the supervisor might be leaving and the employee would make a good candidate to replace the supervisor. All of this information quickly leaks out and the whole office becomes aware of what has happened.
6. A court employee circulates an online petition on a social media networking site supporting a controversial state ballot measure. What if the ballot measure is likely

to be challenged in the employee’s court? What if it is not likely to come before that court?

These scenarios show the potential diversity of employee social media use. Using the NACM Model Code of Conduct as the reference point,²² what ethical problems might we find in each scenario? In order to provide a range of commentary, Cynthia Gray, director of the Center for Judicial Ethics at the American Judicature Society (CG), and Andrea Henson-Armstrong, education attorney and social media expert at the Federal Judicial Center (AH-A) — please note that Andrea’s comments come more from the reference point of the U.S. federal courts code of conduct — have graciously provided their comments to supplement mine (NHM).

SCENARIO 1

(LinkedIn post regarding “activist judges”): The employee’s post might have problems under Canons 1.2 (avoid impropriety), 2.1 (independent judgment), 3.1 (outside business), and 4.1 (refrain from inappropriate political activity). Did the post impugn the dignity of the court? Did the post impair the employee’s or court’s impartiality and independent

judgment? Does the post reflect negatively on the judicial branch and on the employee’s professionalism, maintaining a clear distinction between court work and personal interests? Did the post constitute improper participation in political activity?

NHM — The answer to these questions would probably be no, except for the fact that the employee’s profile identifies her court employment. This ties anything she posts to the court, at least tangentially. Thus, the employee should not have expressed her opinion without removing her job identification, or at least she should have included a disclaimer that her views were personal and did not represent the position of the court in any fashion.

CG — Many of these scenarios reflect errors of judgment that could count against an employee in an evaluation and/or consideration for advancement, particularly the more experienced the employee is and the more responsibility the employee has. But that does not make them unethical. The first scenario is a problem because the employee is identified with the court in her profile.

AH-A — There are two issues here. The first is that the employee mentions that he/she is an employee of the court. The second issue is the comment in the LinkedIn group. Many courts have social media policies prohibiting court employees from mentioning that they work for the court. Many court employees have disputed this policy because of “professional” websites like LinkedIn. Ethically, I do not believe it is a violation to merely mention that you work for

a court. However courts may enact a policy that prohibits employees from associating themselves with the court on “any” social media websites because of the issues that may arise from creating that association. Courts in this case have written memorandums of understanding (MOUs) to explain why the policy is in place. I know of no court that has changed its policy because the employees complained that it was unfair or unreasonable.

In terms of the second issue regarding the comment, this speaks directly to what can happen once individuals post their employment status with the court. First, the court administrator would have to ask whether a Tea Party case could come before the court. If so, could a litigant who files a case against the Tea Party in that court believe that the court employee would be fair and not biased because of their political position? Sometimes the most important issue is whether we, as court employees, appear fair and unbiased to those who stand before our courts. That is, [we] cannot be involved in partisan politics when we are a part of an independent judiciary.

SCENARIO 2

(Vacation photos on Facebook): The employee’s post might have problems under Canons 1.2 (avoid impropriety) and 3.1 (outside business). Did the employee’s activities impugn the dignity of the court or reflect negatively upon the court or his own professionalism?

NHM — A prime question the scenario doesn’t answer is whether the Facebook page is public or private (private = only his friends can see the content). If the latter,

it might greatly diminishes the possible impact, depending on the scale and scope of the employee’s Facebook friends. For now, assume the employee’s Facebook profile is public and makes no mention of his court employment. If so, the simple posting of the photos is probably not an ethical problem, although that may depend on how “provocative” the photos are — for example, are they pornographic? If, however, the employee is wearing a shirt that clearly connects him to the court, then there probably is an ethical problem, especially if the employee has a job that is more publicly visible (such as clerk of court or courtroom deputy). The position the employee holds does make a difference.

CG — Scenario two is only a problem if the employee is identified as a court employee in the pictures or in his profile.

AH-A — I also would mention whether the employee left his Facebook (FB) page (and therefore the pictures and content) open to “everyone” on FB or if he set his privacy setting to “only friends” ...that always comes up as an issue. Who has the ability to view the photos? But, as you mention, these may just be provocative and not pornographic pictures. However, I disagree with whether his position determines whether this is an ethics violation. I disagree only because I have seen similar situations where court employees (not clerks or court executives) have posted provocative and/or nude photos. For example, one court employee went to the clerk to report that another female employee posted a topless photo as her profile picture on FB. While the employee never

mentioned that she worked for the court on her FB profile, the clerk asked the employee to take the topless photo down. The employee was very angry because she argued that the FB profile picture was taken on her own personal time and would be considered her private property. However, a few weeks later the employee apologized to the clerk because her friend, who works in private industry and had a similar photo as her profile picture, was fired on the spot when her employer was notified about the profile picture. Maybe this is not an ethics issues but an HR issue. I am not sure, but I know that clerks are very uncomfortable with any of their employees having provocative and/or nude pictures posted online. At some point, ethics committees may have to define what “provocative” means. It is a very fine line. Maybe another issue is how public is the photograph? Who is able to see it?

SCENARIO 3

(Pledge appeal for charity): The appeal for funds might have problems under Canons 1.2 (avoid impropriety), 1.6 (avoid privilege), 3.1 (outside business), and 3.3 (avoid gifts). Does the solicitation impugn the dignity of the court (appearance of impropriety) or improperly exploit the employee’s official position? Does the appeal reflect negatively upon the court? Will the appeal unduly influence the employee’s court performance (e.g., *quid pro quo*)?

NHM — To answer these questions, one first should address what the charity is that the walk-a-thon will benefit. If the charity is one that is consonant with the mission of the court (such as

providing funds for a pro bono legal clinic for the indigent) or is otherwise not in conflict with the dignity of the court, then there is likely no problem. Yet, one must still consider the issue of soliciting funds from the lawyers who practice before the court. Generally, soliciting funds from lawyers is an ethically bad idea and should not be done. This is particularly true if the employee is in a management-level position, as this heightens the coercive aspect of the solicitation. The standard is much higher for a manager versus a regular employee. At a minimum, such activity creates an appearance that if a lawyer contributes, then some favorable treatment at the court will ensue, even if such favorable treatment would not actually happen (and if favoritism does occur, there suddenly is a much bigger ethical problem).²³

CG — Absent a specific prohibition on personal solicitation of contributions, scenario three is not a problem unless the appeal specifically refers to the court or the employee's position.

AH-A — I know this is an issue for any court manager who has subordinates as Facebook “friends.” Managers, from what I understand from code of conduct training, should never solicit anything from subordinates. Thus, a manager cannot ask for contributions in the office because they do not want to appear coercive. As such, they should not solicit funds for a walk-a-thon or ask subordinates to buy Girl Scout cookies, etc. on Facebook or any other social networking site where their subordinates are a part of their network.

SCENARIO 4

(The organizational “fan”): An employee who affiliates himself as a “fan” of an organization that frequently is a party before his court might have problems under Canons 1.2 (avoid impropriety), 2.1 (independent judgment), and 3.1 (outside business). Does the affiliation create a relationship that impugns the integrity of the court? Does it impair the employee's impartiality and independent judgment, creating a conflict of interest? Does this outside activity reflect negatively on the court and the employee's professionalism, compromising an appropriate boundary between court work and personal interests?

NHM — This employee's action is a violation of the canons. Whether the relationship with the outside organization-litigant actually affects the employee's work or not (e.g., it skews his judgment or results in improper favoritism), the affiliation creates an appearance of impropriety that reflects negatively upon the integrity of the court as an independent arbiter of disputes.

CG — Scenario four is only a problem if the employee's Facebook page identifies him as a court employee.

AH-A — I agree that this is an ethical violation.

SCENARIO 5

(Office “friends” and personnel information): The manager in this court may have violated Canons 1.3 (fairness), 2.2 (personal relationships), and 2.7 (discretion). Does the activity between “friends” within Facebook constitute bias or prejudice by the manager? Does the manager's actions show an indifference to making personnel

actions based on demonstrated knowledge-skills-abilities? Have the actions shown respect for the personal lives of employees without disclosing confidential information?

NHM — In an earlier section, this article dealt with the propriety of judges and court staff “friending” persons outside of the court (in particular, attorneys). Here we have “friending” going on between fellow court employees who are in supervisory relationships, followed by the sharing of employee-specific personnel information. At the least, the manager in this scenario has demonstrated a lack of discretion and given the appearance of bias (which may or may not be true) toward the third employee (potential candidate for supervisor).

CG — Scenario five is not unethical, although it is bad judgment.

AH-A — I agree with NHM's assessment.

SCENARIO 6

(Ballot measure petition): The act of circulating a state ballot petition might violate Canons 3.1 (outside business) and 4.1 (refrain from inappropriate political activity). Does this action reflect negatively on the court or the employee's professionalism? Is this the sort of political activity that is prohibited?

NHM — As long as there is no identification of the court employee with the court (either due to specific designation on the social media site or inherently due to the position the employee holds, like court administrator), on its face there probably is no violation here. But if the ballot measure is likely to be litigated in the employee's court (such as, if the employee works in the state's supreme court), then

the employee should refrain from taking a public position on the ballot measure.²⁴

CG — Scenario six is not a problem if the employee circulates the petition without reference to her court position; even judges can be active on some “controversial” ballot issues, such as how judges are chosen.

AH-A — I agree with NHM’s assessment.

What about the situation involving the courtroom deputy blogging about an ongoing trial presented at the beginning of this article? The disclosure of information about the trial and the opinions of the courtroom deputy and other staff in a public blog forum violates Canons 1 and 2, impugning the integrity of the court as an impartial forum and showing a severe lack of discretion with court information. It is highly likely that a mistrial would be declared. An employee who commits this level of ethical violation should be severely disciplined.

It is apparent that in many situations there can be differing interpretations of the same set of facts, leading to varying judgments about whether there has been an ethical violation. Within just the United States, courts vary not only by state or federal jurisdiction, but also by level or type of court (state, county, municipal, tribal, appellate, trial, general, limited/specialized, etc.). Courts also differ by whether judges (or other court officials) are appointed (with or without a merit-based system), are elected (partisan or not), and by the length of tenure. For these and other reasons, there is no uniformity of ethical codes among our courts. Therefore, it is apparent that actions that might be unethical in one court may be quite acceptable in another (although the conduct

may nevertheless be unacceptable performance). On the other hand, some types of conduct would be unethical in any court. Essentially, there is a continuum of conduct ranging from clearly ethical at one end to clearly unethical at the other. As one moves from one end of the continuum to the other, acceptable employee conduct first becomes unacceptable performance that may or may not be unethical, then further on is deemed to be unacceptable and unethical. The challenge for court managers is to properly apply applicable standards (personnel rules and policies as well as one’s local code of conduct) to the conduct being evaluated. This can be quite difficult.

The scenarios presented above are helpful to understand the type of analysis court managers need to conduct and questions they need to ask when figuring out whether ethical violations have occurred. Clearly a plethora of opportunities exist for ethical problems to arise, and whether an ethical violation has happened is not always clear. Given the widespread social media activity in society and by court employees, what can a court do to avoid ethical problems in the first place?

1. Have a robust code of conduct in place for court employees that clearly delineates the ethical boundaries they must follow. Surprisingly, although most courts have a code of conduct for judges, some courts do not have a code of conduct for court staff. It is hard to hold employees accountable without first having a clear set of ethical standards in place.
2. Promulgate a social media use policy for all court staff and keep it up to date. There are great resources available to help you create your court’s policy.²⁵ See below for some key areas to consider. In addition, the policy

of the U.S. District Court for the District of Rhode Island is reprinted at the end of this article as a good example to follow.

3. Orient all new employees to the importance of the court’s code of conduct and social media policy, then regularly train existing personnel on these topics.
4. Have a mechanism for staff to get ethical questions promptly answered.
5. Hire ethical staff members and appropriately monitor staff behaviors (e.g., as part of doing reference checks on new hires, review social media sites for content that is relevant to the hiring decision and disclose to applicants that your court does this form of reference checking in your job announcements).²⁶
6. Promptly follow through on any substantiated ethics violations.
7. Enact appropriate information technology (IT) controls, whether or not you allow staff to access social media at work; policy breaches will almost certainly occur. Consider using tools that limit what can be done from your computers/network, sandboxing Web browsers,²⁷ blocking the downloading of applications within Facebook, blocking confidential content, not allowing executable code to be allowed into your network, and perhaps monitoring of your network (although such monitoring must be done very carefully not to transgress privacy rights, etc.).
8. Have a media relations policy; plan to deal with public scrutiny of any problems that might arise if an ethical violation occurs.

Key areas to consider including in a court social media policy are as follows:

- What is the scope of your policy? What does the policy cover in the way of access rights, media types, behaviors (e.g., identification of court employment, use of court seal, whether or not “friending” or “recommending” is acceptable, prohibiting use of court email addresses, use of government property, etc.), and whom does it cover? You may need to have different provisions for different types of staff members, such as law clerks, management employees, court reporters, etc.
- Address responsibility. Make sure to cover what conduct is permissible and what is prohibited in both personal and professional areas of activity. Be specific in citing adherence to a code of conduct. Honor privacy.²⁸
- Require that intellectual property laws be followed.
- Disclose if technological controls, such as site blocking or content filtering, will be used.
- Disclose if the court will monitor employee use of social media, and if so, under what circumstances. Will there be a possibility of disciplinary action if a violation of the policy occurs?
- If your court is unionized, you must take extra care to adhere to labor laws and the union contract. In the U.S. federal government, the General Services Administration has clashed with its unions over its social media policy.²⁹
- Emphasize that court security is important. Outline acceptable conduct in this area, and contemplate prohibiting the posting and geotagging of text, photos, sound recordings, or videos that would compromise security, if not otherwise be an ethical violation.

With the advent of social media in society, today's court leaders have

great opportunities and challenges. This article has examined how pervasive social media use really is and how such use by court employees intersects with ethics standards. If courts proactively take the steps recommended here and create an environment of responsible social media use, the chances of ethical and other problems will be greatly reduced. Indeed, when such an environment exists, courts can embrace social media and use them to great advantage to enhance internal and external communication.

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Social Media Policy/Guidelines²

The birth and advance of “Web 2.0” technologies and applications in recent years has the potential to revolutionize how individuals, corporations, government agencies, and non-profit organizations interact and communicate with one another. Web 2.0 refers to the second generation of Web design and software development, which places heavy emphasis on communication, collaboration, and sharing among Internet users. Unlike the first generation of Internet (Web 1.0), this change is not grounded in major technical transformations; instead, this

change is centered, chiefly, on the ways individuals use the Internet. Before Web 2.0, most Internet users were mainly consumers of information; now, these new technologies and applications allow users to be both producers and consumers of information and shift easily between those roles.

For many individuals, Web 2.0 applications (often called “social media”) are central to their daily computer usage. Users connect and communicate through social networking Internet sites; collaborate on, refine, and disseminate knowledge

through wikis; share their perspective through blogs and microblogs; upload still and video images through videosharing and photosharing sites; broadcast via podcasts and vodcasts; and stay connected via RSS feeds beamed to email inboxes or displayed on smartphones.

As Web 2.0 has made communication instantaneous and allowed for greater collaboration and information sharing, there has been some downside. Many users adopting Web 2.0 seem less concerned, or at least mindful, of privacy and

confidentiality as they navigate social media sites such as Facebook. Recent news stories illustrate the privacy and confidentiality concerns generated by the expansion of social media Internet usage: employment opportunities lost because of Facebook profiles; scandal precipitated by YouTube or Flickr postings, and judicial proceedings compromised by jurors' Twitter postings.

The challenges and risks of such social media, though, are particularly acute for government employees who work in positions where discretion and confidentiality are imperative. Court employees work in such an environment. Court personnel are expected to keep sensitive information confidential, exercise discretion to avoid embarrassment to the Court, and take precautions to avoid unnecessary security risks for court personnel, especially the judges they serve.

The Court has set down a series of broad guidelines for employees to follow as they navigate these new, and ever-changing, technologies and applications.

1. **Think before you post.** Internet postings — whether they be text, photos, videos, or audio — remain accessible long after they are forgotten by the user. Beyond that, remember that nothing is “private” on the Internet despite people’s best efforts to keep things private. *Do not post anything on the Internet that you would not want to read on the front page of the Providence Journal.*
2. **Speak for yourself, not your institution.** On social networking sites, many individuals list their occupations and/or places of employment. Considering the sensitive nature of the work that we

do, *Court employees should carefully evaluate whether the listing of their place of employment on a social networking website poses a security risk.* Also, remember that you are a representative of the Court and should conduct yourself in a way that avoids bringing embarrassment upon yourself and/or the Court. In the age of Facebook, YouTube and Twitter, many often do not think through the implications of what they post. Users often believe that their postings are private because of a social networking website’s privacy features or that their comments are untraceable because they were made under a screen name, but this information may not be private and could cause damage to your reputation and the Court’s if it becomes public. As such, Court employees should abide by a simple rule: *if you are not speaking to someone directly or over a secure landline, you must assume that anything you say or write is available for public consumption.*

3. **Keep secrets secret.** *Make sure to abide by all of the court’s confidentiality and disclosure provisions.* Court employees handle confidential and sensitive information and the restrictions that employees normally observe in the performance of their day-to-day duties should also apply to their use of social media. Just as court employees are prohibited from disclosing sensitive, non-public information to the media and general public in person or over the phone, the same applies to social media. *Furthermore, Court employees should refrain from discussing any of the Court’s internal processes and*

procedures, whether they are of a non-confidential or confidential nature.

4. **Remember the Guide.** Any public postings are governed by the Judiciary’s *Guide to Policies and Procedures*. As Judiciary employees, we are expected to avoid impropriety and conduct ourselves in a manner that does not detract from the dignity and independence of the judicial system. As such, Judiciary employees are restricted from engaging in partisan political activity and fundraising activities that could compromise judicial independence. Please keep these policies and procedures in mind as you participate on social media sites.
5. **Observe security protocol.** Court employees must also take care to avoid doing things that would compromise the security of the courthouse and personnel. To maintain security, *do not post pictures of the courthouse, inside or outside; do not post pictures of court events and do not post pictures of the Court’s judicial officers.* Also, be careful when disclosing your place of employment: social media sites are notoriously unsecure environments and knowledge of your place of employment could place employees in situations where pressure could be applied on them to corrupt the integrity of the judicial process.

NOTES

Law Clerks and Interns of this Court are also bound by the First Circuit Judicial Council *Interim Policy — Use of Social Networking Sites by Law Clerks*. They should consult the First Circuit’s policy in addition to this policy.



Resources available to help court leaders

- NACM's Social Media Policy, July 2010: <http://nacmnet.org/conferences/past-conferences.html>
- "Managing the Message: The NACM Media Guide for Today's Courts," 2010: <http://nacmnet.org>
- NACM's Model Code of Conduct: <http://www.ncsconline.org/Nacmethics/>
- NCSC's "Social Media and the Courts Resource Guide":
<http://www.ncsc.org/topics/media-relations/social-media-and-the-courts/resource-guide.aspx>
- The Conference of Court Public Information Officers report, "New Media and the Courts: The Current Status and a Look to the Future," August, 2010: <http://ccpionewmedia.ning.com/>
- U.S. federal courts' "Resource Packet for Developing Guidelines on Use of Social Media by Judicial Employees," April 2010; a link to the PDF document can be found on this website: <http://www.uscourts.gov/RulesAndPolicies/CodesOfConduct.aspx>
- American Judicature Society's Model Code of Conduct for Nonjudicial Court Employees:
http://www.ajs.org/ethics/eth_non-judic-employ.asp
- CourtEthics.org: <http://www.courtethics.org/>
- "The Ethics Fieldbook: Tools for Trainers," 1996, American Judicature Society (although a bit out of date, still has useful material): <http://www.courtethics.org/Notes%20%26%20Downloads.htm>
- GSA Social Media Handbook & Policy (2009):
<http://www.gsa.gov/portal/content/105232> and <http://www.gsa.gov/graphics/staffoffices/socialmediapolicy.pdf>
- GSA site to help government agencies build social media platforms: <http://www.citizen.apps.gov/>
- IBM Social Media Guidelines: <http://www.ibm.com/blogs/zz/en/guidelines.html>
- Intel Social Media Guidelines: http://www.intel.com/sites/sitewide/en_US/social-media.htm
- Social Media and Web 2.0 in Government: http://www.usa.gov/webcontent/technology/other_tech.shtml
- Web 2.0 Governance Policies and Best Practices: <http://govsocmed.pbworks.com/Web-2-0-Governance-Policies-and-Best-Practices>
- Guidelines for Secure Use of Social Media by Federal Departments and Agencies:
http://www.cio.gov/Documents/Guidelines_for_Secure_Use_Social_Media_v01-0.pdf
- "Designing social media policy for government: Eight essential elements," Center for Technology in Government, University at Albany, May 2010: http://www.ctg.albany.edu/publications/guides/social_media_policy
- U.S. Army's Social Media Program: <http://www.slideshare.net/USArmySocialMedia>
- Other great resources on specific topics can be found in the endnotes.

NACM Model Code of Conduct for Court Professionals

Canon 1: Avoid Impropriety and the Appearance of Impropriety in All Activities

<i>1.1 - Performance of Court Duties</i>	Work diligently, efficiently, equitably, thoroughly, courteously, honestly, truthfully and with transparency. Carry out properly issued court orders and rules; and act within the court professional's authority.
<i>1.2 - Avoid Impropriety</i>	Avoid improper influences and activities that would impugn the dignity of the court.
<i>1.3 - Fairness</i>	Conduct work without bias or prejudice.
<i>1.4 - Respect of Others</i>	Treat those interacting with the court with dignity, respect and courtesy.
<i>1.5 - Involvement in Actions Before a Court</i>	Notify authority when self or other personal relation is arrested, named as a party, or otherwise formally involved in any action pending in any court.
<i>1.6 - Avoid Privilege</i>	Use official position solely for intended purpose and do not exploit access to judges and court.
<i>1.7 - Assist Litigants</i>	Respond to inquiries regarding standard court procedures and provide legal advice only if part of official duties.

Canon 2: Perform the Duties of Position Impartially and Diligently

<i>2.1 - Independent Judgment</i>	Avoid relationships that impair impartiality and independent judgment; and remain vigilant of conflicts of interest.
<i>2.2 - Personal Relationships</i>	Recruit, select, and advance personnel based on demonstrated knowledge, skills, and abilities. Avoid supervising or influencing the hiring or advancement of personal relations. Constantly monitor work relations with personal relations and take remedial action at earliest sign of problem.
<i>2.3 - Misconduct of Others</i>	Expect colleagues to abide by these canons and report violations.
<i>2.4 - Attempts at Influence</i>	Immediately report any attempt to compel violations of these canons.
<i>2.5 - Properly Maintain Records</i>	Do not inappropriately destroy, alter, falsify, mutilate, backdate or fail to make required entries on any records within the court's control.
<i>2.6 - Legal Requirements</i>	Maintain legally required confidentiality of the court and disclose information only to authorized individuals.
<i>2.7 - Discretion</i>	Be respectful of the personal lives of both employees and those involved with the court system. Only use and provide information that is verified and within the parameters of disclosure.
<i>2.8 - Proper Use of Public Resources</i>	Manage resources, property and funds judiciously.

Canon 3: Conduct Outside Activities to Minimize the Risk of Conflict with Official Position

<i>3.1 - Outside Business</i>	Avoid outside activities that reflect negatively upon the judicial branch and on one's own professionalism. Maintain clear and open boundaries between court work and other professional/personal interests.
<i>3.2 - Compensation and Post-Employment Restrictions</i>	During or following employment with a court, do not engage in business with same court unless both the employment and commercial interests are fully disclosed to and approved by the court.
<i>3.3 - Avoid Gifts</i>	Do not solicit, accept, agree to accept, or dispense any gift, favor, or loan that would influence an official action of the court.
<i>3.4 - Financial Disclosure</i>	Disclose all financial interests and dealings required by law, rule, or regulation.

Canon 4: Refrain from Inappropriate Political Activity

<i>4.1 - Refrain from Inappropriate Political Activity</i>	Participation in political activity, including campaigning for a court position, is limited to non-court hours, using only non-court resources. A court position should be resigned if there is a conflict of interest, or interference with the performance of duties.
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ENDNOTES

1. This article does not necessarily reflect the position of the United States Bankruptcy Court for the District of New Mexico, the United States federal judicial system, or the National Association for Court Management; the views expressed are solely those of the author.

2. Some examples used in this article are taken from actual court events; care has been taken to not reveal the courts or persons involved. The author thanks the court managers who submitted these fact situations to use in this article.

3. http://oxforddictionaries.com/view/entry/m_en_us1443359#m_en_us1443359

<http://nacmnet.org/conferences/past-conferences.html>

http://en.wikipedia.org/wiki/Social_Media

4. "Resource Packet for Developing Guidelines on Use of Social Media by Judicial Employees," Committee on Codes of Conduct Judicial Conference of the United States, Administrative Office of the United States Courts, pages 12, April 2010.

5. An excellent video highlighting the rapid pace of change and the use of new media can be found at: <http://vimeo.com/11551721>.

6. Infoworld, "How to tame the social network at work: What you don't know — or refuse to learn — about social networking could undermine your business," Dan Tynan, Oct. 18, 2010. <http://www.infoworld.com/d/applications/how-tame-the-social-network-work-361>.

7. Information Week, "Socially Challenged (IT's under pressure to deliver Facebook-like social networking in-house)" Sept. 27, 2010, page 14. http://www.internetevolution.com/document.asp?doc_id=197424.

8. Information taken from "Y U Luv Texts, H8 Calls," by Katherine Rosman, *The Wall Street Journal*, October 14, 2010, page D1, and from <http://en.wikipedia.org/wiki/Facebook>.

9. Infoworld, "How to tame the social network at work: What you don't know — or refuse to learn — about social networking could undermine your business," Dan Tynan, Oct. 18, 2010.

10. Conference of Court Public Information Officers survey conducted in June, 2010. Details found at "New Media and the Courts: The Current Status and a Look at the Future," CCPIO, August 2010, page 65; <http://ccpionewmedia.ning.com/>.

11. "New Media and the Courts: the Current Status and a Look at the Future," CCPIO, August 2010: <http://ccpionewmedia.ning.com/>.

12. *ibid.*, pp. 20–22.

13. The NACM Model Code of Conduct is found at <http://nacmnet.org/ethics/index.html>. Most court ethical codes contain similar provisions. For example, the Code of Conduct for Judicial Employees of the United States federal courts (<http://www.uscourts.gov/RulesAndPolicies/CodesOfConduct.aspx>) has five canons (instead of NACM's four), essentially

adding "a judicial employee should uphold the integrity and independence of the judiciary and of the judicial employee's office;" otherwise, the two codes are very similar.

14. An excellent resource on this subject is the U.S. Army's "Geotags and Location-Based Social Networking," <http://www.slideshare.net/USArmySocialMedia/social-media-roundupgeotagging-safety>.

15. Government Computer News, Oct. 4, 2010, "Social Media Has its Place; Keep it There," page 30. <http://gcn.com/articles/2010/10/04/interview-amsler-social-media.aspx>.

16. The Supreme Court of Ohio, Board of Commissioners on Grievances and Discipline, Opinion #2010-7, Dec. 3, 2010; http://www.supremecourt.ohio.gov/PIO/news/2010/BOCadvisoryOp_120810.asp.

17. Florida Supreme Court Judicial Ethics Advisory Committee, Opinion Number 2009-20, issued Nov. 17, 2009. <http://www.jud6.org/LegalCommunity/LegalPractice/opinions/jecopinions/2009/2009-20.html>.

18. Florida Supreme Court Judicial Ethics Advisory Committee, Opinion Number 2010-04, issued March 19, 2010; <http://www.jud6.org/LegalCommunity/LegalPractice/opinions/jecopinions/2010/2010-04.html>.

19. FCCA Journal, Summer/Fall 2010, "From the Editor" (Pat McNutt), page 4; <http://www.fcca.ws/>.

20. 19 University of Florida. *Journal of Law & Public Policy* 429 (2008).

21. Fact situation submitted to the author from a colleague, October 2010.

22. Of course, using a different code of conduct may result in differing results; always use your applicable local code. For example, the author's court is governed by the U.S. Courts Code of Conduct for Employees, and it is more restrictive than the NACM Model Code of Conduct.

23. Additional comment from Peter Kiefer: "Arizona's ethics committee is far more conservative. Even if never specifically identified as a court employee, supervisors and managers are ethically forbidden from participating in just the kind of charity events described."

24. This is another example of how the same fact situation may be interpreted differently, depending on the court's code of conduct. In the U.S. federal courts, the Code of Conduct for Judicial Employees generally allows for participation in nonpartisan electoral activities but severely restricts partisan activities.

25. Helpful tips and examples can be found in:

- "Resource Packet for Developing Guidelines on Use of Social Media by Judicial Employees," pages 27–42 (including policies from the U.S. District Court for the District of Rhode Island and the Federal Judicial Center)

- NCSC's Social Media and the Courts Resource Guide: www.ncsc.org

- NACM's Social Media Policy: www.nacmnet.org

- City of Seattle Social Media Use Policy: <http://www.seattle.gov/pan/SocialMediaPolicy.htm>

- Delaware Department of Technology and Information Social Media Policy: <http://dti.delaware.gov/pdfs/pp/SocialMediaPolicy.pdf>

- Wake County, North Carolina's "Guidelines for Wake County's use of Facebook, Twitter, YouTube and Granicus web video, and blogs": http://www.wakeemployees.com/support/documents/web20_dept_guidelines.pdf

- "Web 2.0 Governance Policies and Best Practices": <http://govsocmed.pbworks.com/Web-2-0-Governance-Policies-and-Best-Practices>

- "Designing social media policy for government: Eight essential elements," Center for Technology in Government, University at Albany, May 2010: http://www.ctg.albany.edu/publications/guides/social_media_policy

- "Drafting Social Media Policies," by James Wong, Legal Technology at Law.com, June 2009: <http://www.law.com/jsp/lawtechnologynews/PubArticleLTN.jsp?id=1202431410095>.

26. One must be very careful in reference-check reviews of social media sites for relevant information. If one does so, it is a good idea to separate this function from the hiring function (e.g., a hiring committee and the hiring authority), and only refer relevant information to the persons involved in making the hiring decision. This insulates the court from problems involving misuse of inappropriate and irrelevant information, such as litigation over discrimination against a protected class of applicants.

27. "Sandboxing" in information technology (IT) terms refers to isolating a computer software (in this instance, the Web browser) from the rest of the environment to keep malware from spreading or to create a safe test environment. See this Wikipedia entry: http://en.wikipedia.org/wiki/Sandbox_%28computer_security%29.

28. For an examination of this issue, see "Social Media: Where Privacy Comes Last," *Federal Computer Week*, Aug. 9, 2010: <http://fcw.com/Articles/2010/08/09/HOME-PAGE-Gov-2dot0-social-media-privacy.aspx>.

29. "GSA, Labor Group at Odds Over Social Media," *Federal Times*, vol. 26 no.18, July 26, 2010.

DATES TO REMEMBER

- May 15 - Last day to make changes to your registration
- May 15 - Early registration ends; Fees due to NCBC
- May 23 - Last day to book a room at the New Orleans Marriott
- June 14 - Conference begins!



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Welcome to NCBC 2011!

The Eastern and Middle Districts of Louisiana are excited to be hosting the 2011 NCBC Conference in New Orleans. The NCBC is dedicated to the professional development of its members, so we chose a theme that signals the need for ongoing development and the reward of pursuing excellence.

Visit our conference website to get acquainted with the city and all it has to offer, to review the conference agenda and the array of educational offerings, and to see the exciting social activities we have planned for you.



We're "Jazzed for the Journey," and we know you

will be, too! Bienvenue ("Welcome").

<http://www.laeb.uscourts.gov/ncbc2011/>

Conference Registration & Hotel Information

Registration for the 2011 NCBC Conference in New Orleans opened on March 1. The fee for members is \$375, and for non-members it's \$390. After May 15, NCBC members will pay a registration fee of \$400, and non-members will pay \$415.

A new feature allows registered members to go back through the registration process and make changes to their food, breakout sessions, and social activities. To do this, go back to the registration page, log in, and your regis-

tration will appear. You may edit your options and then click submit. Your new registration confirmation will appear. A deadline of May 15 has been set for participants to make changes.

The New Orleans Marriott at 555 Canal Street is the host hotel for the conference. Located on the edge of the French Quarter, the hotel is a short walk to the Warehouse/Arts district, the Riverwalk, sites along the Mississippi River, and of course, the French Quarter. The Marriott has scores of

guest services and amenities, including a fitness center, outdoor pool, restaurants and lounges. The hotel has a smoke-free policy.

The hotel registration link on the NCBC 2011 site will only allow you to book a room for June 13, 2011 to June 16, 2011. If you want to book rooms either before or after those dates, you must call the hotel.

We have also arranged for overflow hotels that are a short walk from the Marriott. Updates on the room availability at the host hotel and new information about the overflow hotels will be added to the NCBC 2011 website, as needed.

Please direct any problems or questions to Elizabeth Hager (USBC - MDLA) at 225-346-3308 or elizabeth_hager@lamb.uscourts.gov

Mardi Gras World Banquet

Dust off your dancing shoes and get ready for the banquet of the 2011 NCBC conference! The experience of Mardi Gras awaits you at Mardi Gras World. We have planned a night you will always remember with the sights, sounds and tastes of real New Orleans. Dance the night away with

Rockin` Dopsie, Jr. & the Zydeco Twisters, feast on fabulous Louisiana cuisine and catch some throws at our own

parade with the "Krewe of the NCBC." You don't want to miss it!

<http://www.mardigrasworld.com>



Did you know that
you can edit your
registration until
May 15?

MENU:

Cajun Chicken & Andouille Gumbo
Bronzed Catfish Filets
Sausage Jambalaya
Cocktail Muffalettas
Crawfish Beignets
Mini PoBoys
Red Beans and Rice
Caesar Salad
White Chocolate Bread Pudding
Coffee

Educational Sessions

The education committee has put together some great plenary and breakout sessions for you. The opening plenary session is John Petz's "*It's Showtime – And This Isn't a Dress Rehearsal.*" Petz is a keynote speaker and motivational entertainer who has spoken to over a million people around the world, including some of the biggest corporations in America. Michael Gold and the Jazz Impact Ensemble's "*Jazzed For Tomorrow*" will be the closing plenary. Gold and his world-class ensemble will demonstrate improvisation and performance, and interact with the audience to teach about group dynamics, organization, and individual integrity. See the course descriptions at <http://www.laeb.uscourts.gov/ncbc2011/edu.htm>.

- Social Events -

New Orleans has so much to offer. With this year's social events, attendees can sample it all! The Swamp Tour, Haunted Tour, City Tour, Riverboat Dinner Cruise, Cocktail Tour, Plantation Tour, and Late Night with George Prentice are all waiting for you to sign up and climb aboard! Head over to our website (link below) and see what entices you. In the "Big Easy", finding that perfect pastime is effortless.

Please contact Jennifer Poche, social chair. jennifer_poche@lamb.uscourts.gov with any question you may have!

<http://www.laeb.uscourts.gov/ncbc2011/social.htm>

Our Unique Streets



The streets in the French Quarter are named for something or someone French, and the street signs are in French. “Rue” is French for street. If you were thinking that Rue Bourbon is named for the whiskey or for its many drinking establishments, you’re wrong. Truth is, it’s named for the House of Bourbon – the ruling French family during Louisiana’s colonial period. Conti is named for Prince de Conti, also a member of the Bourbon family. Iberville and Bienville are named for the LeMoyne brothers who settled New Orleans. Local historian Ron Chapman says that Dumaine Street and Toulouse Street were named for the illegitimate sons of King Louis XIV, but for good measure each was flanked by streets named after saints. Dumaine is sandwiched between St. Philip and St. Ann, and Toulouse between St. Peter and St. Louis!

It’s such an amusing irony how the Quarter’s religious traditions and legacy have co-existed for almost 300 years with the less wholesome ones!

rectly by the locals. Some even refer to it as Tchoup, which is pronounced like the word “chop.” Tchoupitoulas is named for an extinct Indian tribe. But that’s news to most of us here. What’s important is that Tchoupitoulas is the street by our parking garage.

The most famous thing about our streets? Potholes. Blame the geology or blame the city, but blame yourselves if you don’t drive with caution!

Finally, keep in mind that French Quarter streets near the river start at the “100” block, and the numbers get larger as you get farther away from the Mississippi. And, the first blocks on either side of Canal Street are the “100” block, and the numbers get larger as you get farther away from Canal in both directions. So, you’ll notice that when walking from the Marriott toward Jackson Square, the addresses will increase from the “100’s” to around “700.”

But in New Orleans, it works.

The lower Garden District includes streets named for the nine daughters of Zeus – the muses. They are Calliope, Clio, Erato, Euterpe, Melpomene, Polymnia, Terpsichore, Thalia, and Urania. Locals know the streets all too well, but our pronunciations would make Zeus turn over in his grave..., if he ever had a grave!

Tchoupitoulas is a mouthful and usually pronounced cor-



**Beware the potholes
and uneven
sidewalks!**

“Mardi Gras: Why We Ride...”

Some of the legacies of the French in south Louisiana are language, “interesting” politics, and civil parishes (counties). Another is Mardi Gras, and it’s embedded in our cultural DNA! While some like the Bourbon Street version of Mardi Gras as seen on MTV, most like the traditional family fun along parade routes. But for me, it’s all about the ride and being a part of traditions that happen without fanfare.

I belong to the Krewe of Thoth, which “rolls” on the Sunday immediately before Mardi Gras day. The organization was started by about a dozen folks in 1947 and paraded on an Uptown route near hospitals and institutes for the elderly and handicapped. Thoth continues to roll past its adopted hospitals and institutes, but now with almost 1400 members. Raising money for charities and bringing joy to the sick and elderly remain a proud Thoth tradition, and one we all take very seriously.

Parade organizations operate with dues from their members. With Thoth, a portion of dues and all money earned



from fund-raisers throughout the year go to charities. The newest “adopted” charity added to our growing list is the American Cancer Society. All sales of shirts, cups, and various carnival throws – pink, of course! – go to the cancer society, and specifically for breast cancer research.

Two weeks before we ride on our floats through the streets of New Orleans, Thoth members in costume participate in the Thoth Walk – the “Krewe

of Angels.” With a police escort, a marching band, and arms full of beads and stuffed animals, we walk from hospital to hospital delivering insignificant “throws” and priceless happiness to the sick and needy of all ages. It’s a tremendously rewarding experience.

After the hurricanes in 2005, scores of spectators held up “thank you” signs for the riders to see. During the Thoth Walk, patients of all ages just showed us great big smiles. It’s hard to describe the fun that goes along with riding on a float and throwing hard-earned money to happy and (sometimes) complete strangers! It’s easy to describe the joy of bringing happiness to those most in need of it. PRICELESS.

Hail Thoth!

Several court employees belong to carnival organizations, including one of our chief deputies pictured here.



Please also visit the
Federal Court Clerks
Association website
at.....

<http://fcca.ws/>



Don't forget to check out
<http://www.ncbcimpact.org>

Photos Provided by:

www.neworleansonline.com

Flawed Events

Crawfish Etouffee

Serves 4-6

Recipe from River Road Recipes II

www.jlbrtr.org or "Like" us on Facebook

1/4 lb. butter
2 large onions, chopped
2 stalks celery, chopped
1 med. bell pepper, chopped
Salt & pepper to taste
Tabasco sauce to taste
1-2 lbs. Crawfish tails w/ fat
4 T. flour
2 cups water
4 chicken bouillon cubes
3 green onion tops, chopped (optional)
Parsley to taste, chopped (optional)

Melt butter in a large, heavy skillet. Saute vegetables in butter for 30 minutes. Add seasonings to taste, then crawfish and fat. Saute for one minute and stir in flour. Continue to simmer for three minutes and add the water and chicken bouillon and the optional green onions and parsley. Simmer for 10-15 minutes. Serve over rice.

Wining and Dining in the Big Easy

No one ever goes hungry in New Orleans! In a city like no other, the cuisine is like no other! World class dining awaits you, so throw your diet and self control out the window.

Many ask, "what should I get?" We will help you order like a local (and pronounce the names like a local) and give you insight on where to get that memorable meal. So, loosen your belts, don't count the calories and just enjoy!

ETOUFFEE' (ay' too fay) - From the French word for "smothered", etouffee' is a sauce made of butter, seasoned vegetables and crawfish or shrimp served over rice. There is endless debate on the recipe. Roux or no roux? Tomatoes or no tomatoes? The answer is simple - any way you make it, it's GOOD! Also, if crawfish are not available, shrimp may be substituted.

TRY IT AT: Bon Ton Cafe - 401 Magazine St.

PO BOY - If you say "poor boy", you are giving yourself away as a tourist! This French bread (only the freshest of

French bread will do) sandwich is made with oysters, shrimp, ham, roast beef or just about anything else you can think of. When the waiter asks if you would like it "dressed", that means with lettuce, tomato and mayo.

TRY IT AT: Mother's Restaurant, 401 Poydras St. at Tchoupitoulas (ask for the "Ferdie" pobo: ham, roast beef and "debris". This "debris" you eat! It's the roast shavings and gravy.)

Also recommended:

Serio's Deli - 133 St. Charles Ave.

Acme Oyster House - 724 Iberville St.

Deanie's - 841 Iberville St.



DATES TO REMEMBER

- May 20 - Last day to make changes to your registration
- May 20 - Early registration ends; Fees due to NCBC
- June 14 - Conference begins!



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Registration ending soon

Registration is going well and has gained momentum recently. Please remember that the early registration fee through May 20 is \$375 for members and \$390 for non-members. After May 20, fees increase to \$400 for members and \$415 for non-members. Finally, you can make changes to your food choices, breakout sessions, and social events by going back to the registration page. This edit feature will be available through May 20.

One event is already sold out and another is almost full so register now!

www.laeb.uscourts.gov/ncbc2011/

Conference Hotels Update

Our conference hotel – the New Orleans Marriott – is full. Rooms may open up, so feel free to try and book your room through the hotel link on the NCBC 2011 website. Keep in mind that you must call the hotels directly if you need rooms before June 13 or after June 16. If you are unable to get a room at the Marriott, contact one of our two overflow hotels and be sure to mention that you are booking a room for the National Conference of Bankruptcy Clerks.

One of the overflow hotels is the Astor Crowne Plaza. It's only two blocks from the Marriott. The other hotel is the Royal Sonesta which is five blocks from the Marriott in the heart of the French Quarter. Links to the hotels are on the conference website.



Astor Crowne Plaza New Orleans Hotel

739 Canal Street
New Orleans, LA 70130
(504) 962-0500

Royal Sonesta Hotel

300 Bourbon St
New Orleans, LA 70130
(504) 586-0300

Jazz Impact - Closing Plenary Speaker

Trust us, you don't want to skip out early and miss this one. Jazz Impact ensembles are comprised of the finest jazz musicians working on the global jazz scene today. Musicians are drawn from New York, Chicago, Los Angeles, and New Orleans. This program was developed by Michael Gold, Ph.D and a jazz bassist from New York.

By transposing the jazz metaphor onto the dynamics of the office environment, Jazz Impact plants the seed for developing innovative response to change. In an environment where the only constant is change, the improvisational techniques of jazz go beyond metaphorical inspiration- tech-



niques that can have an immediate effect on your court. So don't miss out, and you will end your NCBC conference on a high note!

<http://www.jazz-impact.com>

Late Night with George Prentice – SOLD OUT

Late Night with George Prentice on Wednesday, June 15 at 9:00 p.m. is **sold out!** For those who are attending, keep in mind that the Howlin' Wolf Den is located at 901 St. Peters Street in the Warehouse District, and that transportation will not be provided. The club is less than a mile from the Marriott Hotel, but in the opposite direction from the French Quarter. Taxis are an option, although groups may choose to walk along St. Peters Street or Convention Center Boulevard, which is better lighted. The Howlin' Wolf Den is near the intersection of St. Peter and St. Joseph Streets.

You may know George Prentice as the Texas Western Clerk, but did you know his hometown is New Orleans?

Information Sharing Fair – Jammin' to the Beat of Change

The Information Sharing Fair will showcase a host of talented performers at NCBC 2011 on Thursday, June 16 from 10:45 a.m. to 12:15 p.m. At this time the Fair includes:

- ♪ **Bankruptcy Best Practices** - Stacey Manley, Bankruptcy Methods Analysis Program Working Group;
- ♪ **Jazz It Up: How teleworking enhances workplace productivity** - Ron Smith, Cathy Losenegger, and Julie Ellingson, Western District of Wisconsin;
- ♪ **ErrorTrack** - Derek Higgins, Eastern District of Wisconsin;
- ♪ **Creditor Matrix Submission** - Derek Higgins, Eastern District of Wisconsin;
- ♪ **COOP/Emergency Preparedness** - Toni Taylor, California Northern;
- ♪ **Creditor Webpage with Speed Claim Filing** - Monica Olson and Jorge Jimenez, Western District of Wisconsin;
- ♪ **The Loss Mitigation Program** - Una O'Boyle and Milton Aguila, Southern District of New York;
- ♪ **Noticing Issues** - Bankruptcy Noticing Working Group and BCAD;
- ♪ **CHAP Nationally Supported Calendar Program for Judges and Support Staff** - Brenda Dowler, Utah Bankruptcy Court;
- ♪ **CMAssist** - Grant Price and Sheila Sewell, and Stacey Roberts, Oklahoma Western Bankruptcy Court.

Baton Rouge - Louisiana's Capital

Baton Rouge is just a one-hour drive from New Orleans on Interstate 10. It is a vibrant city along the Mississippi River with a growing population, two universities – Southern University and Louisiana State University (LSU) – and one of the country's largest ports. Points of interest include the Old State Capitol ("the castle"), the new state capitol, the Old Governor's Mansion, a wonderful State Museum, the Rural Life Museum, the USS Kidd, the Shaw Center for the Arts, and casinos.

The capital city is also part of the growing film industry that is active throughout Louisiana. We've started to use the phrase, "Hollywood South." Some films made in Baton Rouge over the years are *Dead Man Walking*, *Everybody's All American*, and *All the King's Men*. Upcoming movies are *Flypaper* (Patrick Dempsey), *Battleship* (Liam Neeson), and



The Louisiana Old State Capitol

Twilight: Breaking Dawn.

Baton Rouge is French for "red stick," a seemingly strange name for a city. When French explorer D'Iberville led his exploration party up the Mississippi River in 1699, the group came to a cypress pole

on a bluff above the river covered with bloody animal and fish heads. The "red stick" marked the boundary between the hunting grounds of Houma Native American tribes and became symbol for Baton Rouge.

Did you know that Louisiana has the tallest capitol building in the United States at 450 feet tall, 34 stories?



The Louisiana State Capitol

RED STICK BLOODY MARY



River Road Recipes IV - Serves 6

2 cups vegetable juice cocktail

1 ½ cups vodka citron

1 cup cocktail sauce

Juice of ½ of a large lemon and juice of one small lime

2 t. cracked pepper

1 t. Tabasco

1 t. celery seeds

¼ ground cumin seeds

Celery salt to taste

The custom of above ground burial is a mixture of folklore and fact. New Orleans has a high water table that complicates below ground burials, but mostly it is a tradition carried over by French and Spanish Settlers.



Cemeteries, Voodoo, and Marie Laveau

Curious tourists are drawn to our cemeteries to either marvel at the elaborate above-ground tombs and sculptures, or to get a glimpse of the final “resting places” of prominent locals. Our “Cities of the Dead” look more like the ancient city of Pompeii than the typical cemeteries in other parts of the country.

St. Louis Cemetery #1 (St. Louis and Basin Streets) is within walking distance from the French Quarter, and the burial place of Marie Laveau and Homer Plessy (Plessy vs. Ferguson). Other cemeteries can be easily reached by taking the (red) Canal Street streetcar from around the Marriott Hotel to the Mid-City area, about a 15 minute ride away.

Marie Laveau practiced a unique combination of West African religions. With a knowledge of medicine and herbs she began practicing voodoo. She was so revered for her powers that she became known as the Voodoo Queen of New Orleans.

To most locals, voodoo remains a very real piece of our

cultural past, but is now mostly a thing of curiosity and amusement. Or, maybe not to some! Many locals who practiced voodoo used talismans (charms) to bring good fortune or bad luck to someone. The talismans were called gris-gris, and were typically cloth bags filled with herbs and bones. Even today someone may jokingly tell another, “I’m going to put the gris-gris on you!” Sounds silly, no doubt, but it’s part of what makes New Orleans the interesting place that it

is.

My voodoo doll really, really works! The white pin in the head of the doll cures my migraines, while the black pin, strategically placed and together with a wish that I modify as needed, has other effects. The voodoo doll was with us during the making of our NCBC promotional film in 2010, with some unintended consequences. But that’s a story for another article....



The AO and FJC Team to be well represented



The training offered at the conference is enriched considerably with the support of the Administrative Office and the Federal Judicial Center, whose staffs make up a large part of the faculty.

Jill C. Sayenga, Deputy Director of the AO, will speak at the opening ceremony. Glen Palman, Chief of BCAD, and James Baugher, Chief of the Budget Division, will give updates during the business

luncheon.

AO and FJC subject-matter experts will present breakout sessions on a variety of topics, including, leadership and teamwork, human resources, career building, structured writing, budget and internal controls.

AO staff presenting or moderating are Kelly Chadwick, Brenda Chen, Pearlie Collier, Lou Gil, Stuart Kurlancheek, Austin Matthews, Christopher Mays, John McGrath, Pat Tuc-

cio, and Jackie White.

FJC staff are James Buchanan, Garbo Cheung-Jasik, Esther DeVries, Phyllis Drum, Corrin Gee, Stephanie Hemmert, and Richard Marshall.

We are indebted to these administrators and education specialists for their dedication and contribution to the success of the conference!

Wining and Dining in the Big Easy

SHRIMP REMOULADE



As the weather heats up, no one in Louisiana could dream of spending extra time in a hot kitchen. The perfect answer to “what’s for dinner?” is Shrimp Remoulade (rum a laud). *This spicy sauce is served cold over cold boiled shrimp and lettuce. No oven required!*

Serves 8

Recipe from River Road Recipes II

www.jlbtr.org or “Like” us on Facebook

4 T. horseradish

½ cup tarragon vinegar

2 T. ketchup

1 T. paprika

½ t. cayenne pepper

1 t. salt

1 whole garlic clove, minced

1 cup vegetable oil

½ cup finely minced green onions with the tops

½ cup finely minced celery

Mix all ingredients in a blender. Pour over cooked shrimp and serve over cold lettuce.

PRALINES

In Louisiana, sweet is the name of the game. We like everything sweet : sweet tea, sweet potatoes, sweet talk, you get the idea. A staple of good ol’ Louisiana sweetness is the praline (praw leen). This candy is easy to make and easy to love. They are sold all over New Orleans in gift shops and candy shops.

River Road Recipes II

2 cups brown sugar

1 cup white sugar

1 cup water

1 cup cream

3 cups pecans

Combine sugar, cream and water in sauce pan. Stir together over medium heat until soft ball stage (238 degrees). Remove from heat and beat until creamy. Add pecans and drop by spoonfuls onto a buttered sheet. Allow to cool.



DATES TO REMEMBER

- May 30 - Deadline to get a refund
- June 14 - Conference begins!



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The Journey is About to Begin...

Early registration for the NCBC Conference has ended, and we will have record attendance this year at over 600 people!

We need your help in getting as many people as possible into the Marriott, our conference hotel. It appears that some people have reserved rooms in the NCBC room block, but have not yet registered for the conference. If this is your situation, we would appreciate it if you completed your

registration OR email Elizabeth Hager at Elizabeth_Hager@lamb.uscourts.gov and let her know you will not be using the room. She can then move people from her waiting list into the Marriott. Thank you for your help in letting your fellow conference attendees move into the main conference hotel!

Finally, if anyone with rooms booked in either the Astor Crowne Plaza or The Royal Sonesta hotels would

like to relocate to our conference hotel, the New Orleans Marriott, email Elizabeth Hager at your earliest convenience.

Mardi Gras World will have a CASH ONLY bar. No credit cards or checks accepted.

**\$3 - bottled water
\$3 - soft drinks
\$5 - beer & wine
\$7 - mixed drinks**

www.laeb.uscourts.gov/ncbc2011/



What Do I Wear?

New Orleans is a pretty laid back town. However, it's hot. Not just "oh, it's kinda warm" hot, but "holy moly, is this the surface of the sun?" hot! We are talking highs in the 90's and HUMID! In contrast, the indoors during the summer months are like the North Pole – subarctic cold. This presents a packing challenge, we know. Casual clothes are fine, but pack a sweater for inside (especially inside the Marriott.) Use the guide to the right to help you decide what to pack to remain comfortable.

CONFERENCE – (Business Casual)

SOCIAL EVENTS - (Casual) Cool and comfortable is the way to go, including footwear.

MARDI GRAS WORLD – (Dressy Casual) The website for MGW shows guests in cocktail attire. While MGW does host those types of events, our event will not be as formal. Dressy casual is what we recommend. Pants, Capris, sundresses, skirts are perfect. No ties or coats necessary for the gentlemen. Polos are acceptable. Don't forget comfortable dancing shoes!

PRESIDENT'S RECEPTION - (Dressy Casual) Same as Mardi Gras World

RESTAURANTS - Be sure to check the restaurant's website if you have reservations outside of the conference events. Some restaurants like Galatoire's and Antoine's have jacket requirements or prefer jackets for the men. They will NOT allow admittance if you do not comply with the dress code.

Don't forget to check the website for all the conference transportation information!

Packing Tips

- Comfortable walking shoes work best for our uneven sidewalks and streets with potholes, but we do have a Band-Aid and some TLC just in case
- HOT! HOT! HOT! A great song, but this is our weather for about 6 months out of the year. A hat, sun screen, and sunglasses are necessities.
- Bring your camera to capture all the special memories you're sure to experience in the Crescent City.
- Conference hotels have pools so pack your suit for a cool dip. You'll need it!
- Bring pain reliever, just in case....
- Poncho/Umbrella—We are in a drought, so it will probably rain that week! - Murphy's Law prevails.
- New Orleans has a unique array of foods for every appetite, so bring your appetite.
- Bring a pair of drawstring pants for the plane ride home!



Steamboat Natchez

The Natchez is the last true steamboat on the Mississippi River. She's propelled by a working paddlewheel and her two large boilers are affectionately called Thelma and Louise! Her engines and steering equipment are almost 100 years old. The 32-note steam calliope is exactly like those from the 19th and early 20th centuries that were used to call passengers to the waterfront, and the 3-chime whistle is an antique and was probably used on earlier steamboats.

The Natchez makes daily harbor cruises and an evening Dinner/Jazz cruise. Each cruise has narration and jazz music, but the evening cruise features an outstanding jazz



band, "The Dukes of Dixieland." The boat has air-conditioned spaces with plenty of indoor and outdoor seating and modern conveniences. The Natchez has become an iconic

symbol of New Orleans and is recognized worldwide. A visit to New Orleans is not complete without taking a river cruise on the Natchez.

Don't forget to attend the President's Reception on Tuesday, June 14 @ 6:00 p.m. in the Acadia Room.

Sightseeing on a Shoestring

We all know that New Orleans is infamous for its unlimited amounts of fun and attractions. What you may not know is that you don't have to break the bank to experience New Orleans to the fullest. Below are just a few of the many affordable activities the Big Easy has to offer.

- Café Du Monde - 800 Decatur Street or in the Riverwalk Marketplace
- French Market and adjacent Flea Market
- St. Louis Cathedral - Jackson Square
- Algiers Ferry - free pedestrian ferry at the foot of Canal Street
- "Wednesday at the Square" - 5:00 - 7:30 p.m. at Lafayette Square near U.S. 5th Circuit Court of Appeals building - last concert is June 15
- French Quarter Walking Tour
- Streetcar Lines (St. Charles Avenue, Canal Street, and Riverfront)
- Louisiana State Museum - the Cabildo, the Presbytere, the Old U.S. Mint, and the 1850 House
- Riverwalk Marketplace - entrance at Spanish Plaza - foot of Canal or Poydras
- View To Do - come early and take in the Louisiana Seafood Festival, the Louisiana Cajun-Zydeco Festival, and the Creole Tomato Festival in the French Quarter on June 11-12th.

Please see the NCBC 2011 MSU page for forms to be downloaded and brought to the MSU classes.

Wining and Dining in the Big Easy

BANANAS FOSTER

It is described by those in the clerk's office as "Heaven on Earth", "a necessity" and "the quickest and best recipe for dessert ever", this decadent end to a meal is a must during any stay in New Orleans. This perfect dessert is often made into a tableside performance as a flambé. The dish was created in 1951 by Paul Blangé at Brennan's Restaurant in New Orleans, Louisiana. Trust us, you have to order it.



- 6 tbs. butter
- 1 tsp. ground cinnamon
- 3/4 c. packed brown sugar
- 6 tbs. banana liqueur
- 6 ripe bananas, sliced lengthwise
- 3/4 c. white rum
- 6 c. vanilla ice cream

Melt the butter in a chafing dish. Add the brown sugar and heat until the brown sugar dissolves, stirring constantly. Add the bananas and saute until heated through. Sprinkle with the cinnamon. Add the banana liqueur and rum and ignite immediately. Baste the bananas with the flaming sauce until the flames die out. Spoon the ice cream into serving bowls and top with the bananas and sauce. Serves 6

JACKSON SQUARE JULEPS

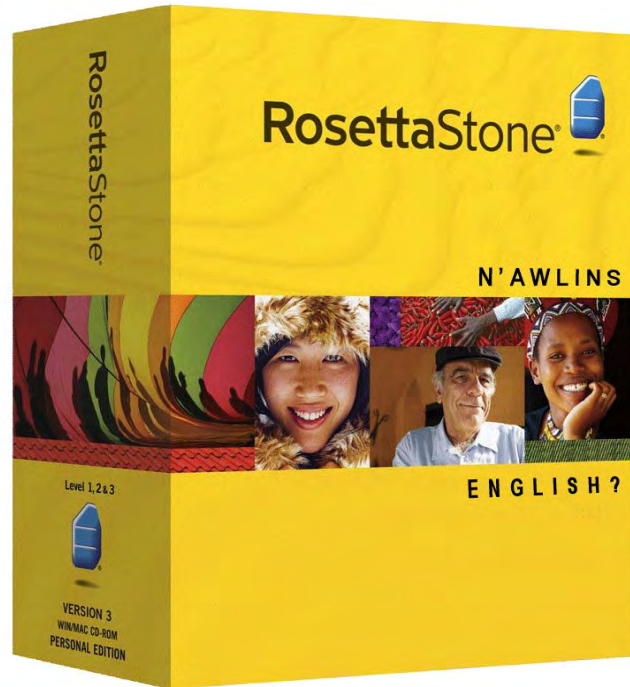
After the Battle of New Orleans in 1814, the former Place d'Armes was renamed Jackson Square to honor Andrew Jackson and his defeat of the British Army in the final major battle of the War of 1812. This historic park is one of the icons of New Orleans and definitely worth a visit. This cocktail, named after this landmark, is a perfect blend of bourbon, mint and sugar and is a perfect antidote to a hot New Orleans day.

- 3 tbs. bourbon
- 1/2c. cracked ice
- 3-4 fresh mint sprigs for garnish
- 2 tsp. simple syrup

Combine the bourbon, 3-4 mint sprigs, syrup and ice in a tall highball glass. Stir vigorously with a cocktail spoon until the outside of the glass becomes frosted. Garnish with mint sprigs. Note: Simple syrup is prepared by cooking a mixture of sugar and water over low heat until clear and then boiling for about 1 minute. It can be thin (3 parts water, 1 part sugar), medium (2 parts water, 1 part sugar), or thick (equal parts of water and sugar).



These recipes were taken from the [Crescent City Collection](#) cookbook from the Junior League of New Orleans. At the conference, you can purchase copies of this cookbook and the [River Road Recipes](#) cookbooks from the Junior League of Baton Rouge, which was featured in the previous newsletters.



Deciphering the Local Lingo

First-time visitors to New Orleans will quickly notice our unusual accent, which is neither a Southern drawl or Cajun. It's more of a Brooklyn-type accent that we affectionately refer to as "Yat"..., as in, "Where y'at?" ("Where you at?"). Add to that some local expressions and unique words and you'll definitely find yourself in need of a dictionary or having to ask someone to repeat themselves. In any case, Hollywood has neva eva gott'n any of dis right so faw! Below is a list of words to help ya'll fit in. Study hard – the test begins on June 14th. Good luck.

AX - Ask.

BERL - To cook in a bubbling 212°F liquid; the preferred method for cooking shellfish.

DA, DEM - The, Them

DERE - There. As in "Dere ya go!", an expression of encouragement or acknowledgment of having done something for someone else.

DIS, DAT, DESE, DOSE - This, That, These, Those.

EARL, ERL - a vegetable product for making a roux, a petroleum product, or your uncle.

ERSTERS, ERSTAS - Oysters.

GO CUP - A paper or plastic cup for consumption of alcoholic beverages on the street, as open glass containers (and cans, too, I think) are illegal.

I'LL TAKE ME A ... - May I have a ...

LAGNIAPPE - Pronounced (LAN-yap): A little something extra.

MAKE GROCERIES, MAKIN' GROCERIES - To do grocery shopping. Thought to have originated with the French expressions for grocery shopping ("faire le marché") or going to the market ("faire les courses"). The French infinitive "faire" means either "to do" or "to make", so lots of locals "make groceries."

MYNEZ - Mayonnaise. As in "I'll take me a roast beef po-boy dressed, hold the mynez".

NEUTRAL GROUND - The grassy or cement strip in the middle of the road. Use of the "median" instead of "neutral ground" is a dead giveaway that you ain't from around here.

NEW ORLEENS - The way silly tourist pronounce "New Orleans". Natives do not do this. Exception – song lyrics, as in "Do You Know What It Means to Miss New Orleans", for example, and when omitting the "New", as in "Orleans Parish", which is always pronounced (or-LEENS).

NUTTINONIT - A po-boy that is not dressed, which only contains the main ingredient(s) would have nothing on it.

PO-BOY - The quintessential New Orleans lunch, a sandwich on good, crispy New Orleans French bread.